



## 2012 Zoning Change Proposals Articles 2-8

Town of Weare Zoning Ordinance change proposals for the 2012 warrant.

Proposed additions are in ***bold italics***; proposed deletions are ~~stricken through~~.

### ARTICLE 2

Are you in favor of the adoption of **Amendment No. 2**, as follows: Shall the Town amend the Town's Zoning Ordinance as proposed by the Planning Board as follows? To amend Article 27.3.6 that would make changes to the setbacks in a cluster development. As more particularly set forth in the full text of the proposal which is on file with the office of the Town Clerk.

Article 27.3.6 would read as follows if approved:

Article 27.3.6      **Lots fronting on an existing town road shall have the same side setbacks as the zoning district, otherwise the setbacks are as follows:**

Within cluster, the following setbacks are required:

1.      Setback – twenty-five (25) feet from right-of-way.
2.      Setback – **twenty-five (25) feet from side lot lines and** fifty (50) feet between buildings for fire and emergency vehicle access.
3.      Frontage – minimum of twenty-five (25) feet of frontage on a **proposed** street shall be required per dwelling unit.
4.      **Lots fronting on an existing town street shall have the same frontage as the zoning district, except back lots with the buildable area 150 feet from the right-of-way may reduce the frontage to twenty-five (25) feet; but back lots cannot have adjacent frontages. One back lot for each front lot**

### ARTICLE 3

Are you in favor of the adoption of **Amendment No. 3**, as follows: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows? To delete Article 30.4 regarding the area requirements in the rural conservation overlay. As more particularly set forth in the full text of the proposal which is on file with the office of the Town Clerk.

Article 30.4 used to read as follows:

**30.4 AREA REQUIREMENTS**

**30.4.1** ~~Notwithstanding the minimum lot size requirement of the underlying district, the area requirements of Article 14.2 shall be doubled in the Rural Conservation Overlay (RC) District. (Amended 3/11/08)~~

**30.4.2** ~~In cluster housing developments the density requirements in Table 1-1 shall apply. Where cluster developments are proposed in areas which contain prime agricultural soils, such soils shall be preserved as open space to the greatest extent possible.~~

**30.4.3** ~~All other setback and distance requirements shall be the same as those in the Rural Agricultural (RA) District.~~

**30.4.4** ~~(Deleted per Town meeting vote March 14, 2006)~~

**30.4.5** ~~(Deleted per Town meeting vote March 14, 2006)~~

**ARTICLE 4**

Are you in favor of the adoption of **Amendment No. 4**, as follows: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows? To delete the last sentence in Article 14.2 which allowed one dwelling unit to be permitted for each four acres of the wetland district or Class 6 soils on the property. As more particularly set forth in the full text of the proposal which is on file with the office of the Town Clerk.

Article 14.2 (2) would read as follows if approved:

(2) Where condominiums, duplex or multi family housing is proposed the requirements of Table 1-1 shall apply, for each dwelling unit. For the purposes of this section, dwelling accessory attached apartment (in-law apartment) shall not be considered a separate dwelling unit. To determine the number of permissible units the applicant shall provide a soil types and topographic map of the property. The maximum number of dwelling units shall be based on the percentage of the property included in each soil/slope type shown in TABLE 1-1. The total area of each soil type shall be divided by the minimum lot sizes shown in the Table to determine the number of dwelling units permitted for each soil type area. **For purposes of calculating maximum number of dwelling units, one dwelling unit shall be permitted for each four acres of wetland district or Class 6 soils on the property.**

**ARTICLE 5**

Are you in favor of the adoption of **Amendment No. 5**, as follows: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows? To add a sentence to definition in Article 4.1 of Driveway, Common - indicating that the common driveway does not need to be located on the frontage that was used to

determine the lot size. As more particularly set forth in the full text of the proposal which is on file with the office of the Town Clerk.

Article 4.1 (definition for common driveway) would read as follows:

Article 4.1 DEFINITIONS

DRIVEWAY, COMMON: Shall mean the access to no more than two (2) lots. All common driveways must be approved by the Planning Board. **Common driveways do not need to be located on the frontage that was used to determine the minimum lot size.**

## ARTICLE 6

Are you in favor of the adoption of Amendment No. 6, as follows: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows? To amend Article 32.4.1 which further defines the locations where wireless telecommunications facilities can be sited. As more particularly set forth in the full text of the proposal which is on file with the office of the Town Clerk.

Article 32.4.1 would read as follows if approved:

32.4.1 Location: Wireless telecommunications facilities shall be permitted in all zoning districts, except that **(a) they shall be prohibited within 150 feet of town or state roads, and within 300 feet of a scenic road, a scenic byway, an historic district or a village district, or within an historic district or village district; or** and **(b) they shall not be sited** ~~siting~~ in a manner which is readily visible from a scenic road or within a scenic vista. Applicants seeking approval for such facilities shall first evaluate existing structures for siting such facilities. Only after finding that there are no suitable existing structures pursuant to Section 32.4.3 shall an applicant propose a new ground-mounted facility.

## ARTICLE 7

Are you in favor of the adoption of Amendment No. 7, as follows: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows? To amend Article 34.9.5 by adding an exception for open signs for businesses. As more particularly set forth in the full text of the proposal which is on file with the office of the Town Clerk.

Article 34.9.5 would read as follows if approved:

34.9.5 All internally lit and electronic signs, including but not limited to animated, changing message or electronic moving or stationary letter signs, and signs containing reflective and/or phosphorescent or similar signs. (Amended 3-8-2011)

**Exception:**

**OPEN SIGNS:** Any business may be allowed two single-sided lighted signs not to exceed twelve inches by eighteen inches which indicates that the business is open or closed. These signs (a) shall be in addition to any other sign the business is authorized to display, (b) may be internally illuminated by a steady, continuous, non-flashing light of no more than two colors, (c) shall, where practicable,

**be placed within or at the entrance to the business facing and parallel to a public right of way and (d) shall in its placement and operation not unreasonably or unnecessarily distract vehicle operators. No permit shall be required for these signs.**

#### **ARTICLE 8**

Are you in favor of the adoption of **Amendment No. 8,** as follows: To amend the Weare Zoning Map by modifying the zoning of Tax Map 411, Lot 100, said parcel being located on the north side of Gould Road to change from Commercial ( C) to Residential (R ). (By Petition)